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December 10, 2007

BY FACSIMILE

The Honorable Laura T. Swain
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street, Room 615
New York, NY 10007

MEMO ENDORSED

Re: Mark Lachar v. City of New York, et al.
07 CV 7599 (LTS)(JCF)

Your Honor:

I am the Assistant Corporation Counsel who has been supervising the defense of the above-referenced action on behalf of the defendant City of New York. For the reasons set forth below, I respectfully write to request both an enlargement of time for the parties to submit the Joint Preliminary Pretrial Statement required by Your Honor's individual rules, and an adjournment of the initial conference currently scheduled for Friday, December 14, 2007, at 2:00 p.m. No previous requests for an enlargement of time to submit the Joint Preliminary Pretrial Statement or to adjourn the initial conference have been made. Plaintiff's counsel, Steven Hoffner, Esq., consents to these requests.

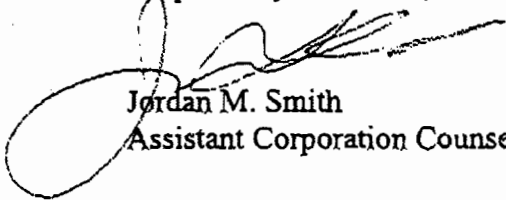
By way of background, defendants City of New York and Lieutenant Joseph Delduca filed a joint answer to the complaint in this action on November 16, 2007. However, pursuant to Section 50-k of the New York General Municipal Law, and based upon a review of the facts of the case, the Office of the Corporation Counsel has now determined that we cannot continue to represent Lieutenant Delduca. See *Mercurio v. The City of New York, et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York, et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

We respectfully advise Your Honor that a letter was sent on December 7, 2007, to defendant Delduca wherein (1) we informed him of our decision regarding representation, and (2) we suggested that he contact private counsel. A copy of the December 7, 2007, letter to defendant Delduca has been provided to Karasyk & Moschella, LLP, union counsel for New York City police lieutenants. Representation of the City of New York is being re-assigned to new counsel in a separate division of the Office of the Corporation Counsel. Once this counsel has been assigned, a Notice of Appearance will be entered and neither I nor anyone else from the Special Federal Litigation Division will have any further involvement with this matter.

In light of the above-stated reasons, an enlargement of time for the parties to submit the Joint Preliminary Pretrial Statement and an adjournment of the initial conference set for December 14, 2007, will permit an orderly realignment of counsel and avoid jeopardizing defendant Delduca's interests while he seeks legal representation. Thus, we respectfully request that the time for all parties to submit the Joint Preliminary Pretrial Statement required by Your Honor's individual rules be enlarged, and further request an adjournment of the initial conference scheduled for Friday, December 14, 2007, at 2:00 p.m. until such time as new counsel for all defendants have appeared in this action.

Thank you for your consideration of these requests.

Respectfully submitted,

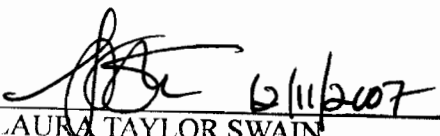

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*The conference is adjourned to
February 8, 2008, at 2:45pm
and the related deadlines
are modified accordingly.*

SO ORDERED.


LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE